

11-22
11-22-89

United States Bankruptcy Court

For the NORTHERN District of IOWA

CHAPTER 7 (Reopened)

Case No. X82-04178

LOREN E. MILDENSTEIN
dba Mildenstein Fertilizer
Service

FILED
U.S. BANKRUPTCY COURT S.C.
NORTHERN DISTRICT OF IOWA

SEP 18 1989

BARBARA A. EVERLY, CLERK

JUDGMENT

- ☒ This proceeding having come on for trial or hearing before the court, the Honorable
WILLIAM L. EDMONDS, United States Bankruptcy Judge, presiding, and
the issues having been duly tried or heard and a decision having been rendered,

[OR]

- ☐ The issues of this proceeding having been duly considered by the Honorable
WILLIAM L. EDMONDS, United States Bankruptcy Judge, and a decision
having been reached without trial or hearing,

IT IS ORDERED AND ADJUDGED:

that Order of Court dated 8-9-82 to authorize Private Sale of Debtors' equity in real estate as set for in Trustee's Application to Amend Order be and the same is amended to authorize and confirm private sale of Debtors' equity in real estate, as fully described in Trustee's Application to Amend, subject to all liens and encumbrances to Donald D. Nailor instead of Ida County State Bank, Ida Grove, Iowa; that this order shall be retroactive to date of original Order of 8-9-82.

copies mailed w/copy
of Order to:
John Pirog; Edward Samore;
E.A.Jacobson; & U.S.Trustee;
this 9/18/89 jjm

VOL. II
PAGE 147



BARBARA A. EVERLY
Clerk of Bankruptcy Court

[Seal of the U.S. Bankruptcy Court]

Date of issuance: 9-18-89

By: Jacqueline Morris
Deputy Clerk

FILED
U.S. BANKRUPTCY COURT S.D.
NORTHERN DISTRICT OF IOWA

SEP 18 1989

BARBARA A. EVERLY, CLERK

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

IN RE:

BANKRUPTCY NO. 82-04178

LOREN E. MILDENSTEIN,
d/b/a Mildenstein Fertilizer
Service,

Debtor.

*
* ORDER AMENDING ORDER
*
* FOR PRIVATE SALE
*
*
*
*

NOW on this 18th day of September 1989, the matter of
Trustee's Application to Amend Order for Private Sale coming on
for hearing set by this Court for:


August 29, 1989 at 10:15 a.m. and

Notice thereof having been served up^{on} John F. Pirog, Attorney
for Debtor and E.A. Jacobson, Attorney for Ida County State Bank;
and upon U.S. Trustee; and

Trustee having presented evidence in support thereof; and no
one appearing to object thereto nor having filed any written
objections thereto.


NOW THEREFORE it is ordered that Order of Court dated August
9, 1982 to authorize Private Sale of Debtors' equity in real
estate as set for in Trustee's Application To Amend Order be and
the same is amended to authorize and confirm private sale of
Debtors' equity in real estate, as fully described in Trustee's
Application To Amend, Subject To All Liens and Encumbrances To
Donald D. Nailor instead of Ida County State Bank, Ida Grove,
Iowa; that this Order shall be retroactive to date of original
Order of August 9, 1982.

SO ORDERED



WILLIAM L. EDMONDS
BANKRUPTCY JUDGE
Sioux City, IA 51102

Approved as to form:



E.A. Jacobson
Attorney for Ida County State Bank
203 Main Street
Ida Grove, IA 51445

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

JUL 24 1989

BARBARA A. EVERLY, CLERK

IN RE:

BANKRUPTCY NO. 82-04178

LOREN E. MILDENSTEIN,
d/b/a Mildenstein Fertilizer
Service,

Debtor.

*
*
*
*
*
*
*
*

APPLICATION TO AMEND ORDER
FOR PRIVATE SALE ENTERED
AUGUST 2, 1982

COMES NOW, Edward F. Samore, and respectfully states to the
court as follows:

I.

That this estate had been previously closed and Trustee
discharged.

II.

That on June 26, 1989, this Trustee filed Application to
re-open this bankruptcy estate.

III.

That on June 26, 1989, this Trustee filed his acceptance of
Trustee.

IV.

That the sole purpose Trustee filed Application to Re-Open
Bankruptcy Estate was to amend Court Order granting application
for private sale of assets to-wit:

Legal description attached, subject
to all liens and encumbrances

for the sum of \$450.00.

V.

That this court executed Order authorizing and confirming sale of assets to Ida County State Bank, Ida Grove, Iowa for \$450.00 in cash subject to all liens and encumbrances relating to the following described real estate:

See attached

VI.

That said Application was filed by Trustee on August 4, 1982, and this court entered an order approving same on August 9, 1982.

VII.

That subsequent thereto this Trustee executed Court Officer Quit Claim Deed to Donald D. Nailor, who was subsequent Grantee for said realty, wherein Ida County State Bank, Ida Grove, Iowa, and said Grantee, Donald D. Nailor, was set out as Grantee instead of Ida County State Bank, Ida Grove, Iowa; that said Deed is recorded at the Office of County Recorder, Ida County, Iowa, at Deeds, Book 8, Page 37.

VIII.

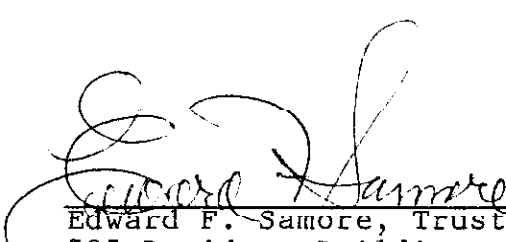
That the Ida County Bank, Ida Grove, Iowa, joins in this application to re-open the bankruptcy estate for the sole purpose of requesting this court to amend the Application for Private Sale of Assets and buyer therein to show authorization confirming private sale of assets to Donald D. Nailor.

IX.

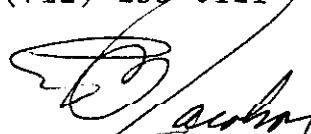
That neither the Ida County State Bank, Ida Grove, Iowa nor Donald D. Nailor are prejudiced thereby inasmuch as the said Ida County State Bank, Ida Grove, Iowa, subsequently conveyed said interest to the said Donald D. Nailor.

WHEREFORE, Trustee prays for Order of Court to amend Order of Court dated August 9, 1982, to authorize and confirm private sale of debtors equity in real estate hereinbefore described subject to all liens and encumbrances to Donald D. Nailor instead of Ida County State Bank, Ida Grove, Iowa.

Respectfully Submitted,



Edward F. Samore, Trustee
535 Davidson Building
Sioux City, IA 51101
(712) 255-0121



E.A. Jacobson, Attorney at Law
203 Main Street
Ida Grove, IA 51445
(712) 364-4138

Copy mailed to
filing attorney

JUL 25 1983

41

QUIT CLAIM

COURT OFFICER / DEED

Edward F. Samore, Trustee

Loren Emil Mildenstein, Debtor

Bankruptcy No. 82-04178

Real Estate Transfer Tax, See Chapter 310A, 64A
G.A., Second Regular Session 1972.

now pending in ~~the Iowa District Court~~ U. S. Bankruptcy Court

in and for ~~Northern District Court~~ of Iowa

Western Division

~~Bankruptcy No. 82-04178~~

Know All Men by These Presents:

That pursuant to the authority and power vested in the undersigned, and

in consideration* of the sum of Four Hundred Fifty and no/100 Dollars (\$450.00)

in hand paid, the undersigned, in the representative capacity designated below, hereby conveys unto

DONALD D. NALLOR

the following described real estate situated in Ida County, State of Iowa, to-wit:

Debtor's interest in:

SEE ATTACHED

COPY

Subject to all liens and encumbrances, if any.

TO CLEAR TITLE

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

Signed this 22 day of October, 1982.

Edward F. Samore

As _____* in the above entitled
estate or cause.

By _____
(Title)

By _____
(Title)

As Trustee* in the above
entitled estate or cause.

*Executor, Administrator, Guardian, Conservator, Trustee, Referee,
Commissioner, or Receiver

STATE OF IOWA, County of Woodbury, ss.

On this 22nd day of October, 1982, before me, the undersigned, a Notary Public in and for
the State of Iowa, personally appeared Edward F. Samore, Trustee,

to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that he,
as such fiduciary, executed the same as the voluntary act and deed of himself and of such fiduciary.

John Forrest M. Samore Notary Public in and for the State of Iowa

● Use space for corporate fiduciary. Insert official titles with names.

Iowa Code Sections 633.4, 633.29, 633.96, 633.98,
633.383 to 633.400, 633.652 and 633.699(2).

If this is a Referee's, Commissioner's or Receiver's Deed, determine
for yourself whether endorsement or confirmation by Clerk's Certifi-
cate is required.

I
C
M

FILE NO. P 04-35124

FILED FOR RECORD THE

25

DAY OF

October

1982

AT 11:10

STATE OF IOWA, IDA COUNTY,

Barbara Wright
BARBARA WRIGHT

IOWA STATE BAR ASSOCIATION

STATE OF IOWA, _____ County, ss.

On this _____ day of _____, A. D. 19____, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared _____

_____, to me personally known, who, being by me duly sworn, did say that they are the _____ and _____ respectively, of said corporation executing the within and foregoing instrument; that (no seal has been procured by the said) (the seal affixed thereto is the seal of said) corporation; that said instrument was signed (and sealed) on behalf of said corporation by authority of its Board of Directors; and that the said _____ and _____ acknowledged the execution of said instrument to be the voluntary act and deed of said corporation and of said fiduciary, by it, by them and as such fiduciary voluntarily executed.

Notary Public in and for the State of Iowa

No _____ Docket _____ Page _____

COURT OFFICER DEED

TO

Entered upon transfer books and for taxation

this 25 day of October, 1982

Halley J. Warkentien Auditor

By Caroline Warkentien Deputy

Filed for record, indexed and delivered to

County Auditor this 25 day

of October, 1982

at 11:12 o'clock A. M., and recorded in

Book Eight of Deeds, on page 37

of Adair County Records.

Recorder's and Auditor's fee \$ PAID.

Barbara Wright Recorder

By \$ 22.00 Deputy

WHEN RECORDED RETURN TO

#351

Abstract of Titles

To the following described Real Estate:

I.

Lots 17 and 18, in Block B, City of Battle Creek, Ida County, Iowa,

A N D

II.

The following described real estate, situated in the City of Battle Creek, County of Ida, and the State of Iowa, to-wit:

That part of the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 27, Township 87 North, Range 41, West of the 5th P. M., bounded and described as follows:

Commencing at a point on the southeasterly extension of the northeasterly line of Lot 14 in Block "B" of the Original City of Battle Creek, distant 200 feet southeasterly, measured at right angles, from the center line of the main track (now removed) of the Maple River Railroad Company, (now the Chicago and North Western Transportation Company), as said main track center line was originally located and established over and across said Section 27; thence northeasterly parallel with said original main track center line a distance of 220 feet; thence northwesterly parallel with the southeasterly extension of the northeasterly line of said Lot 14 to a point distant 6.5 feet southeasterly, measured at right angles, from the center line of Chicago and North Western Transportation Company Spur Track I. C. C. No. 31 (now removed), said Spur Track being the most southeasterly track of said Transportation Company, as said track was located prior to its removal, for the point of beginning of the parcel of land herein described; thence southwesterly parallel with said Spur Track center line, and the southwesterly extension of the tangent segment thereof, to a point distant 9 feet southeasterly, measured radially, from the center line of the curved segment of said Spur Track; thence southwesterly parallel with said last described Spur Track center line to a point on a line drawn at right angles to said original main track center line at a point thereon distant 677.47 feet southwesterly from its intersection with the southeasterly extension of the center line of Main Street; thence northwesterly at right angles to said original main track center line to a point on the southeasterly line of said Block 15 in the Original City of Battle Creek; thence northeasterly along said southeasterly line of Block 15, and the southeasterly line of Block "B" in the Original City of Battle Creek, to the most easterly corner of Lot 12 in said Block "B"; thence southeasterly along the southeasterly extension of the northeasterly line of said Lot 12 to a point 49 feet northwesterly measured at right angles, from said

COMPILED BY

(cont'd)

IDA COUNTY ABSTRACT CO.

GERALDINE CHRISTIE, PROPRIETOR

IDA GROVE, IOWA

(Cont'd.)

Abstract of Title

To the following described Real Estate:

Spur Track center line; thence northeasterly parallel with said Spur Track center line to a point on a line drawn parallel with the northeasterly line, extended, of said Lot 12, through the point of beginning; thence southeasterly along said last described parallel line a distance of 57.5 feet to the point of beginning.

III.

Lots 12, 13, 14, 15 and 16 in Block B in the City of Battle Creek, according to the recorded plat thereof. EXCEPTING therefrom that part, if any, lying southeasterly of a line parallel with and distant 8.5 feet northwesterly, measured at right angles and radially, from the center line of Chicago and North Western Railway Company Spur Track I.C.C. #30, as said Spur Track is now located.

COPY

IV.

That part of the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 27, Township 87 North, Range 41, West of the 5th P. M., Ida County, Iowa, bounded and described as follows:

Commencing at the intersection of the southeasterly extension of the center line of Main Street and the center line of the main track of the Maple River Railroad Company (now the Chicago and NorthWestern Railway Company), as said main track center line was originally located and established across said Section 27; thence southwesterly along said original main track center line a distance of 1000 feet; thence southeasterly along a line at right angles to said original main track center line a distance of 200 feet; thence northeasterly along a line parallel with said original main track center line a distance of 322.53 feet to the point of beginning of the parcel of land herein described; thence continuing northeasterly along a line parallel with said original main track center line a distance of 255 feet; more or less, to a point on the southeasterly extension of the northeasterly line of Lot 14 in Block B of the original City of Battle Creek; thence northwesterly along said northeasterly line of Lot 14, extended southeasterly, a distance of 165 feet, more or less, to a point 8.5 feet southeasterly, measured at

COMPILED BY

(cont'd)

IDA COUNTY ABSTRACT CO.

GERALDINE CHRISTIE, PROPRIETOR

IDA GROVE, IOWA

(cont'd)

Abstract of Titles

To the following described Real Estate:

right angles, from the center line of Chicago and North Western Railway Company Spur Track I.C.C. #31, as said Spur Track is now located; thence southwesterly along a line parallel with said Spur Track center line, and the southwesterly extension of the tangent segment thereof, to a point distant 9 feet southeasterly, measured radially, from the center line of the curved segment of said Spur Track I.C.C. #31; thence southwesterly along a line parallel with said last described Spur Track center line to a point on a line drawn at right angles to said original main track center line through the point of beginning; thence southeasterly along said last described right angle line a distance of 170 feet, more or less, to the point of beginning.

COPY

COMPILED BY

IDA COUNTY ABSTRACT CO.

GERALDINE CHRISTIE, PROPRIETOR

IDA GROVE, IOWA